REMARKS

Telephonic Interview

A telephonic interview was conducted at 3:43 PM CST. The duration of the interview was 15 minutes. Applicant sent Examiner a proposed amended Claim 1 and the proposed claim was discussed. Applicant explained that the numeric scale was a numeric interval, and that perhaps that was a more recognizable term than scale, or range. Examiner asked Applicant to include the references to the specification in this response that were in the proposed amendment. Examiner stated that the proposed claim overcame his rejections based on the cited reference (Purdy), and that the new claim was narrower than the previously submitted claim. Examiner then stated that he planned to perform another search, and suggested an RCE. Applicant objected to another search, since the amended claim is narrower, is of the same character and contains no new subject matter, and therefore it must have been covered in each of the previous six searches performed on this Application. Applicant seeks to avoid any further delay, as the Application is getting older and so is Applicant. Examiner responded that he would do whatever his supervisor told him to do in that regard on this Application.

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Applicant respectfully disagrees with the basis of the rejections of the Examiner, relies generally on the remarks in his previous response for that position, and respectfully submits that the Application was in condition for allowance. Notwithstanding this position, and in the interest of advancing the Application to allowance, Applicant has amended the claims to more clearly distinguish the prior art reference cited by the Examiner. Examiner acknowledged the

amendments overcame the cited art, and in view of that acknowledgement, Applicant considers

those rejections to be moot.

Amendment to Claim 1

In the present amendment to Claim 1, Applicant has amended the phrase:

> providing a plurality of animated graphic files, <u>each animated graphic file</u>
> <u>depicting a unique contest between at least a first entity representing a first</u>
> <u>product and a second entity representing a second product</u>

As such, it is clarified that Claim 1 is not related to a graphic generator, as is the cited art,

but for a method which includes selecting between a multitude of existing and distinct graphic

files which depict a different contest between at least a first and second entity. There is

substantial and direct support for this amendment throughout the specification, including

specifically at paragraph [0036].

Also in Claim 1, Applicant has amended the phrase:

> <u>each</u> animated graphic file[[s]] with <u>at least one unique</u> numeric range[[s]]
> <u>that collectively comprise a substantially continuous numeric scale;</u>

This amendment further distinguishes the cited art by clarifying the relationship of the

graphic files with numeric ranges, or intervals. Each unique range is a sequential component of a

larger interval, or numeric scale. As such, it is clarified that the association of graphic files to

sequential numeric ranges in Claim 1 is not present in the cited prior art. There is substantial and

direct support for this amendment throughout the specification, including specifically at

paragraph [0036] and Claim 9.

Also in Claim 1, Applicant has amended the phrase:

> determining a first product value representing [[a]] the first product's
> performance on a test;
> determining a second product value representing [[a]] the second product's
> performance on the test;

This amendment further clarifies the product values to be values representing a product's performance on a test. This is contrasted to generating a graphic to illustrate real time trends in temperature or stock prices, which are not repeatable tests. This distinguishes still further the cited art and the present invention. There is direct support for this amendment throughout the specification, including specifically at paragraph [0031].

Also in Claim 1, Applicant has amended the phrase:

> solving for a numeric contest value by mathematical relationship between the
> first product value and the second product value;

This amendment further clarifies that the contest value is a number derived by mathematical operation involving the first and second product values. There is direct support for this amendment throughout the specification, including specifically at paragraph [0038].

Also in Claim 1, Applicant has amended the phrase:

> determining which numeric range includes the contest value;

This amendment further clarifies that this preferred method of the invention requires the operation of determining which numeric range includes the contest value. There is direct support for this amendment throughout the specification, including specifically at paragraph [0031].

This still further distinguishes the cited art from this preferred embodiment of the present invention.

Also in Claim 1, Applicant has amended the phrase:

> selecting ~~the~~ ~~an~~ animated graphic file associated with the numeric range which includes the contest value; and,
>
> displaying the selected animated graphic file ~~contest~~.

This amendment is made for grammatical improvement and correction of the antecedent reference from "contest" to "file."

Claims 2 through 10

Claim 2 was previously cancelled. Claims 3-10 depend from Claim 1, and thus are allowable as depending from an allowable claim.

Claims 11 through 14

Claim 11 is presently cancelled. Claims 12 and 13 are amended in accordance with the amendment made to Claim 1. Claim 12 is further amended to add the limitations of rounding the contest valve to the same number of significant digits as the numeric identifier. This additional limitation further distinguishes this claim from the prior art. Direct support for this limitation is found in paragraph [0041]. Claim 13 contains the further limitation of calculation of a statistical numerical performance of a database. This additional limitation further distinguishes this claim from the prior art. As such, Claims 12 and 13 are believed to be in condition for allowance as amended.

Claims 15 through 17

Claims 15-17 are new. Each claim depends from Claim 1 and, as such, each claim depends from an allowable claim. Direct support for the added limitations of Claim 15 and Claim 16 is found in paragraph [0036] of the specification. Direct support for the added limitations of Claim 17 is found in paragraphs [0039] and [0044] of the specification.

Based on their dependency from an allowable claim, Applicant submits that Claims 15 through 17 are in condition for allowance.

The Application is in Condition for Immediate Allowance

Applicant respectfully submits the claims as presented in the proposed amendment are allowable over the prior art, as agreed by Examiner. Applicant believes the limitations added in the proposed amendment clearly distinguish the present invention from the cited art. Applicant respectfully submits that continued searching of the Application is unwarranted, specifically in view of the narrowing amendment of the claims, and would result in unwarranted delay, for which a patent term adjustment would be justified. Applicant respectfully pleads for a reasonable closure of the prosecution of this application and allowance thereof.

CONCLUSION

Applicant respectfully submits the Claims as presented in the proposed amendments are allowable over the prior art. Applicant believes the limitations added in the proposed amendments clearly distinguish the present invention from the cited art, and respectfully requests favorable consideration of this Application and its early allowance.

Respectfully submitted,

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